

## FISCAL NOTE

### SB 343 - HB 1138

April 11, 2003

#### SUMMARY OF BILL:

1. Provides that any oral, written or sign language statement made by an accused during a custodial interrogation at a *place of detention* would be inadmissible in any criminal proceeding against the accused unless:
  - An electronic video *or* audio recording was made of the interrogation;
  - Prior to the interrogation but during the recording, the accused was informed and waived the Miranda rights;
  - All voices are identifiable;
  - Upon motion, counsel representing the accused receives a copy of the interrogation prior to any hearing where the recording is to be used.
2. Requires that the recording of the accused during custodial interrogation at a place of detention be maintained until the defendant is convicted and all appeals are exhausted or prosecution of the defendant is barred by law for any offense relating to the statement.

#### ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - Exceeds \$100,000 Recurring**  
**Exceeds \$100,000 One-Time**

**Increase Local Govt. Expenditures\* - Exceeds \$100,000 Recurring**  
**Exceeds \$100,000 One-Time**

Estimate assumes:

- Some local law enforcement agencies will incur a one-time cost to purchase additional audio or video recording equipment or equipment to make copies of recordings;
- State agencies involved in law enforcement and the state court system will incur a one-time cost to purchase additional audio or video equipment or equipment to make copies of recordings;
- Local and state law enforcement agencies will incur recurring costs for supplies for recordings. The courts will incur recurring cost to store recordings with the court records.

\*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

#### CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director